

DT12-2003PCT/PTO 02 APR 2003

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

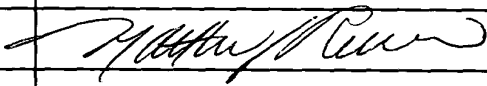
(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/869,871
	Filing Date	July 6, 2001
	First Named Inventor	HUBERT BARTH
	Group Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	6381-08-IM

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Petition for Revival of an Unintentional Abandonment 37 CFR 1.137(b) Certificate of Express Mail Associate Power of Attorney Return Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Matthew J. Russo
Signature	
Date	APRIL 02, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
Typed or printed name			
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1300.00)

Complete if Known

Application Number	09/869,871
Filing Date	July 6, 2001
First Named Inventor	Hubert Barth, et al
Examiner Name	
Art Unit	
Attorney Docket No.	6381-08-IM

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit Account Number
Deposit Account Name

23-0455

Warner-Lambert Company

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
15	-20** = 0	0	0
Independent Claims	2	-3** = 0	0
Multiple Dependent		0	0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	1300.00
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1300.00)

SUBMITTED BY

Name (Print/Type)	Matthew J. Russo	Registration No. (Attorney/Agent)	41,282	Telephone	734 622 1747
Signature		Date	April 02, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2

EF220716603US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named inventor: Barth et al.

Int'l (PCT) Application No.: PCT/EP00/00340

U.S. Application No.: 09/869,871

International Filing Date: January 18, 2000

Priority Date: February 9, 1999

Docket No.: 6381-08-IM

For: METHOD FOR PRODUCING SYMMETRICAL AND ASYMMETRICAL
CARBONATES

PETITION UNDER 37 CFR 1.137(b) FOR REVIVAL OF AN UNINTENTIONALLY
ABANDONED INTERNATIONAL PATENT APPLICATION
DESIGNATING THE U.S.

Attention: PCT Legal Staff
Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

On July 22, 2002, Applicant filed a petition under 37 CFR 1.181 to withdraw a holding of abandonment. Along with the 1.181 petition, Applicant enclosed, among other documents, a copy of a Notification of Missing Requirements, a copy of a translation of the application in English, and a signed and dated copy of a Response to the Notification of Missing Requirements. The Response included an authorization to charge Applicant's deposit account processing fees associated with filing the translation after 30 months from the priority date. Applicant's 1.181 petition contended that these documents constituted a complete reply to the Notification of Missing Requirements and were filed within the time period set forth in the Notification of Missing Requirements. To help

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demonstrate that the reply was timely, Applicant included a copy of a return postcard that was stamped “Rec’d PCT/PTO 19 FEB 2002.”

In a subsequent Decision on the Request for Withdrawal of Abandonment under 37 CFR 1.181, mailed February 4, 2003, the Patent Office held that the above-identified application was properly abandoned and dismissed Applicant’s petition under 37 CFR 1.181 without prejudice. The Patent Office concluded that the return postcard could not serve as *prima facie* evidence that the Patent Office had received the English language translation of the application on the stamped received date, February 19, 2002, because the postcard did not separately identify the English translation of the application. Instead, the Decision held that the Patent Office effectively received the English language translation of the application on July 22, 2002—the date the Patent Office received Applicant’s 1.181 petition. Thus, according to the Decision, the above-referenced application became abandoned on April 4, 2002.

The Decision set a two-month period for reply from the mailing date of February 4, 2003, making any response by Applicant due on or before April 4, 2003. This petition to revive an unintentionally abandoned application for patent under 37 CFR 1.137(b) is being filed on April 2, 2003, within the time period set forth in the Decision.

Applicant hereby petitions for revival of the above-identified application. The following items are required for a grantable petition under 37 CFR 1.137(b):

- (1) Petition fee;
- (2) Proper reply;
- (3) Terminal disclaimer with disclaimer fee—required for all international applications having an international filing date before June 8, 1995; and a
- (4) Statement that the entire delay was unintentional.

With regard to each of the enumerated items:

1. Petition fee. Applicant has enclosed a Fee Transmittal for FY 2003 authorizing the Patent Office to charge Applicant's deposit account \$ 1,300, the petition fee for a non-small entity set forth in 37 CFR 1.17(m).
2. Proper Reply. As indicated above, Applicant filed a proper reply in the form of a translation of the application into English and processing fee in response to a Notification of Missing Requirements Under 35 U.S.C. 371(c) on July 22, 2002.
3. Terminal disclaimer with disclaimer fee. Since this international application has an international filing date after June 8, 1995, no terminal disclaimer is required.
4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

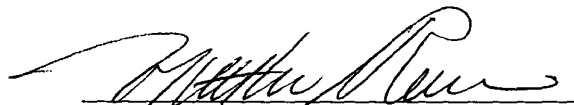
Applicant believes that any fees associated with the filing of the present petition have been identified in the fee transmittal that accompanies this paper. However, if any additional fees are required in connection with the filing of this petition, and such fees have not been identified in the accompanying fee transmittal, please charge deposit account number 23-0455.

Respectfully submitted,

Date: April 2, 2003

Telephone No.: (734) 622-1747

Fax No: (734) 622-1553



Matthew J. Russo, Reg. No. 41,282

Warner-Lambert Company


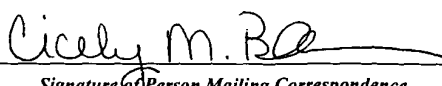
2800 Plymouth Road

Ann Arbor, MI 48105

Customer No. 28880

Enc.: Transmittal Form, Fee Transmittal for FY 2003, Associate Power of Attorney, Certificate of Express Mailing, Return Postcard

EF220716603US

Associate Power of Attorney Or Agent (37 CFR 1.34) (For Representation Related To A Patent Application)			Docket No. 6381-08-IM
In Re Application Of: Hubert Barth, et al			
Serial No. 09/869,871	Filing Date July 6, 2001	Examiner	Group Art
Invention: METHOD FOR PRODUCING SYMMETRICAL AND ASYMMETRICAL CARBONATES			
<u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u>			
Please recognize the following as <input checked="" type="checkbox"/> Associate Attorney <input type="checkbox"/> Associate Agent in this application.			
Name: Matthew J. Russo			
Reg. No.: 41,282			
Address: Warner-Lambert Company 2800 Plymouth Road Ann Arbor, Michigan 48105			
Tel. No. (734) 622-1747			
 <i>Signature of Principal Attorney or Agent of Record</i>			Dated: April 2, 2003
<div style="border: 1px solid black; padding: 5px;"> Charles W. Ashbrook Registration No. 27,610 Warner-Lambert Company 2800 Plymouth Road Ann Arbor, Michigan 48105 Telephone: (734) 622-5215 Facsimile: (734) 622-1553 </div>			<div style="border: 1px solid black; padding: 5px;"> I certify that this document is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231. </div>
<div style="border: 1px solid black; padding: 5px;"> Registration Number & Address of Principal Attorney or Agent of Record </div>			<div style="border: 1px solid black; padding: 5px;">  <i>Signature of Person Mailing Correspondence</i> </div>
			<div style="border: 1px solid black; padding: 5px;"> Cicely M. Bohms Typed or Printed Name of Person Mailing Correspondence </div>

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): Barth, et al	Docket No. 6381-08-IM
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Serial No. 09/869,871	Filing Date 6-Jul-2001	Examiner	Group Art
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Invention:

METHOD FOR PRODUCING SYMMETRICAL AND ASYMMETRICAL CARBONATES

I hereby certify that this PETITION FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED APPLICATION
(Identify type of correspondence)

Is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231
on April 2, 2003
(Date)

Cicely M. Bohms
(Typed or Printed Name of Person Mailing Correspondence)


(Signature of Person Mailing Correspondence)

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